

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

3.817 ACRES OF LAND, MORE OR
LESS, SITUATED IN ZAPATA COUNTY,
STATE OF TEXAS; AND ZAPATA
COUNTY

Defendants.

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CASE NO. 5:20-CV-077

I, LOREN FLOSSMAN, hereby declare as follows:

1. I am employed as the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security. I make this declaration based on my personal knowledge of the matters recited, or based upon information available to me from the files maintained by my office in this matter.

2. The United States has a vital national security interest in controlling its international borders. As part of the ongoing effort to gain operational control of the border and reduce illegal entry, Congress has ordered the construction of physical barriers, roads, lighting, cameras, sensors, and related infrastructure along the border between the United States and Mexico. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Public Law 104-208, Div. C, 110 Stat.3009-546, 3009-554 (Sept. 30, 1996) (2000), codified as amended by the REALID Act of 2005, Public Law 109-13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005), the Secure Fence Act of 2006, Public Law 109-367, § 3, 120 Stat. 2638 (Oct. 26, 2006), and the 2008 Consolidated



Appropriations Act, Public Law 110-161, Div. E, Title V, § 564 (Dec. 26, 2007), at 8 U.S.C. § 1103 and note. Pursuant to the foregoing construction authority, the Secretary of Homeland Security has identified locations where such infrastructure would be most practical and effective in securing the United States' border with Mexico and deterring smuggling and illegal entry.

3. The Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348 ("Consolidated Appropriations Act of 2018") appropriated the funds that shall be used for this taking.

4. The subject land in this taking lies in close proximity to the border between the United States and Mexico. The subject land is located along a section of the Southwest border that my agency has designated as "LRT" for purposes of the foregoing project activities.

5. Pursuant to its delegated authority, U.S. Customs and Border Protection, Department of Homeland Security has determined that the subject land may be an appropriate location for infrastructure, access roads, and/or staging and work areas needed for construction of physical barriers and/or related infrastructure to secure the United States' Southwest border and deter smuggling and illegal entry from Mexico. As such, the United States must conduct the necessary surveying, testing, and other investigatory work needed to evaluate and plan the potential construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures.

6. The United States requires prompt possession of the specified real estate rights to the subject land so that it can begin the foregoing project activities.

7. The United States has already awarded contracts and/or task orders and issued notices to proceed with conducting the necessary surveying, testing, and other investigatory work needed to evaluate and plan the potential construction of roads, fencing, vehicle barriers, security

lighting, cameras, sensors, and related structures in LRT, including in an area that includes the subject land. This work will be undertaken on the subject land after the government obtains possession of the necessary real estate interest.

8. The United States has fully met its obligation to negotiate with the landowner(s) in good faith but has been unable to come to an agreement with the landowner(s) regarding this matter.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 3 day of September, 2020, in Washington, D.C.

**Loren
Flossman**

Digitally signed by Loren
Flossman
Date: 2020.09.03
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LOREN FLOSSMAN
Acquisition Program Manager
Wall Program Management Office
U.S. Border Patrol Program Management Office Directorate
U.S. Border Patrol
U.S. Customs and Border Protection
Department of Homeland Security